

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PRISCELLA SAINTAL,
 Plaintiff(s),

vs.

MARIA PESCE, et al.,
 Defendant(s).

Case No. 2:15-cv-02460-GMN-NJK

ORDER

(Docket No. 20)

Pending before the Court is Plaintiff's motion to amend the complaint. Docket No. 20. Defendants have filed a response in partial opposition. Docket No. 23. No reply was filed. The Court finds the motion properly resolved without a hearing. *See* Local Rule 78-2. Plaintiff's motion is limited to seeking to add claims against Defendants Piccinini and Riches for continuing acts of retaliation, as well as a due process claim against Defendant Riches. *See* Docket No. 20 at 1. As Defendants' response points out, however, the proposed amended complaint also appears to add other claims and defendants. *See, e.g.*, Docket No. 21 at 7 (alleging that the Nevada Department of Corrections did not properly train staff). Defendants therefore seek an order that the proposed amended complaint should be allowed to proceed but only if it "is interpreted in conjunction with her Motion for Leave." Docket No. 23 at 5. The Court declines to take the approach advanced by Defendants as it would likely lead to confusion as to the claims at issue.

Instead, the Court will **DENY** without prejudice the motion for leave to amend. Plaintiff is permitted to file a new motion for leave to amend but must ensure that the motion identifies and

1 addresses each proposed new claim and each proposed new party.¹ Any new motion for leave to amend
2 must be filed by January 17, 2017. If no motion for leave to amend is filed by that date, the Court will
3 proceed on the claims that have survived the screening process and Defendants will be required to
4 respond to the original complaint by January 31, 2017. If a motion for leave to amend is filed, the
5 deadline to file an answer will be stayed until 14 days after the motion for leave to amend is decided.

6 The Court further **INSTRUCTS** the Clerk's Office to **STRIKE** the amended complaint that was
7 improvidently docketed at Docket No. 21.

8 IT IS SO ORDERED.

9 DATED: December 27, 2016

10 
11 _____
12 NANCY J. KOPPE
13 United States Magistrate Judge
14
15
16
17
18
19
20
21
22
23
24
25

26 _____
27 ¹ The Court also notes that the amendments purport to add allegations regarding events occurring
28 after this case was filed. *See* Docket No. 20 at 1. As such, it is not clear to the Court why the claims are
being added as an amendment to the claims already screened in this case rather than being brought through
the filing of a new case with a separate complaint.